

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK**

----- X

In Re DMCA Subpoena to Twitter, Inc.	:	Case No. _____
	:	
	:	StatMuse Inc.’s Request to the
	:	Clerk for Issuance of a Subpoena
	:	To Twitter Inc. Pursuant to 17
	:	U.S.C. § :512(h) to Identify Alleged
	:	Infringers
	:	

----- X

Petitioner, StatMuse, Inc. (hereinafter "StatMuse") through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Twitter, Inc. to identify alleged infringers at issue, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (hereinafter the "DMCA Subpoena") The proposed DMCA Subpoena is attached hereto as Exhibit B. The DMCA Subpoena is directed to Twitter, Inc., the service provider of posts to which the infringing parties using the names: “@nbatrend”, “@kilslot”, “@jvandoburner”, “@trolledbyivey”, “@jHenryTHEGOAT”, “@gai_zzzz”, “@cantguardddurant”, “@RichardHardd”, “@jojprocess”, and “@Marvel_Harry” posted allegedly infringing content at the URLs:

1. <https://twitter.com/nbatrend/status/1501796960050765826>
2. <https://twitter.com/kilslot/status/1491823609442091013>
3. <https://twitter.com/kilslot/status/1491120235344441344>
4. <https://twitter.com/kilslot/status/1488218276027056131>

5. <https://twitter.com/kilslot/status/1487970759595204612>
6. <https://twitter.com/kilslot/status/1485032715774840832>
7. <https://twitter.com/jvandoburner/status/1507548432604577797>
8. <https://twitter.com/jvandoburner/status/1507529975964049414>
9. <https://twitter.com/jvandoburner/status/1507529975964049414>
10. <https://twitter.com/jvandoburner/status/1507179185458106370>
11. <https://twitter.com/jvandoburner/status/1507084695435104261>
12. <https://twitter.com/jvandoburner/status/1507057598595485697>
13. <https://twitter.com/TrolledByIvey/status/1546903301601591297>
14. <https://twitter.com/TrolledByIvey/status/1545900146680020992>
15. <https://twitter.com/TrolledByIvey/status/1546901641626017792>
16. <https://twitter.com/JHenryTHEGOAT/status/1502127872751939585>
17. <https://twitter.com/JHenryTHEGOAT/status/1502127140715778048>
18. <https://twitter.com/JHenryTHEGOAT/status/1502126938764328963>
19. <https://twitter.com/JHenryTHEGOAT/status/1502126877351325699>
20. https://twitter.com/gai_zzzz/status/1491867635889307648
21. https://twitter.com/gai_zzzz/status/1491864956278489088
22. https://twitter.com/gai_zzzz/status/1491525375523844097
23. <https://twitter.com/cantguardddurant/status/1488724765280030722>
24. <https://twitter.com/cantguardddurant/status/1495161350934380548>
25. <https://twitter.com/cantguardddurant/status/1485040889957433347>
26. <https://twitter.com/RichardHardd/status/1498136751159877640>
27. <https://twitter.com/RichardHardd/status/1498136719312539654>

28. <https://twitter.com/RichardHardd/status/1498136687842582528>
29. <https://twitter.com/JojosProcess/status/1497432883539054592>
30. <https://twitter.com/JojosProcess/status/1494523380560584704>
31. <https://twitter.com/JojosProcess/status/1488275325016424449>
32. <https://twitter.com/JojosProcess/status/1485370761934032897>
33. https://twitter.com/Marvel_Harry/status/1502862652179066881
34. https://twitter.com/Marvel_Harry/status/1502492514275581952
35. https://twitter.com/Marvel_Harry/status/1502209235093889024

This content infringes a copyright held by StatMuse.

StatMuse has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), by:

- (1) Filing a copy of the notifications sent to Twitter, Inc. pursuant to 17 U.S.C. § 512(c)(3)(A), attached to the Declaration of Daniel Marcus, Esq. as Exhibit A;
- (2) Filing the proposed DMCA Subpoena; and
- (3) Filing a sworn declaration confirming that the purpose of the DMCA Subpoena is to obtain sufficient information to uncover the identities of the alleged infringers and that such information will only be used for the purpose of protecting StatMuse's rights under 17 U.S.C. § 101, et seq.

As StatMuse has complied with the statutory requirements, StatMuse respectfully requests that the Clerk issue the proposed DMCA subpoena, pursuant to 17 U.S.C. § 512(h)(4).

Dated: October 27, 2022

Respectfully Submitted,

/s/ Daniel Marcus

Daniel Marcus, Esq.

PO Box 1432

New York, NY 10009

551-427-5069

dan@hustlelawgroup.com

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK**

----- X
In Re DMCA Subpoena to Twitter, Inc. : **Case No.** _____
:
: **Declaration of Daniel Marcus, Esq.**
:
:
:
:
:
:
----- X

I, Daniel Marcus, Esq. declare, under penalty of perjury, as follows:

1. I am over the age of 18 and am competent to testify to the matters contained here. I have personal knowledge of the matters contained in this Declaration.

2. I am an attorney who represents StatMuse, Inc. (“StatMuse”), which owns the copyright to the image entitled, “StatMuse CEO” bearing U.S. Copyright Registration No. VA 0002321046.

3. Twitter, Inc. operates the microblogging platform known as “Twitter.”

4. StatMuse discovered that the Twitter users bearing the usernames listed in the request to the clerk for issuance of this subpoena used StatMuse’s copyrighted image in various microblogs or “Tweets” without the consent of StatMuse.

5. Attached as **Exhibit A** to this Declaration are true and correct copies of the takedown notifications sent to Twitter, Inc., pursuant to 17 U.S.C. § 512(c)(3).

6. The purpose for which this DMCA Subpoena is sought is to obtain the identity of the alleged infringers and such information will only be used for the purpose of protecting StatMuse's rights under 17 U.S.C §§ 100, *et seq.*

I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Dated: October 27, 2022

/s/ Daniel Marcus

Daniel Marcus, Esq.

EXHIBIT A

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283596995 [ref:00DA0000000K0A8.5004w00002Tmxhf:ref]



Daniel Marcus <dan@hustlelawgroup.com>

We got your report 0283596995 [ref:00DA0000000K0A8.5004w00002Tmxhf:ref]

1 message

Twitter Support <support@twitter.com>

Tue, Aug 16, 2022 at 3:54 PM

To: "dan@hustlelawgroup.com" <dan@hustlelawgroup.com>



Hello,

This is an auto-confirmation that we have received your copyright report. Twitter will reply as soon as possible.

Copyright complaints concern the unauthorized distribution or republishing of material protected by copyright law. Here are some examples of possible copyright issues on Twitter:

1. Twitter account publishing links to free downloads of copyright protected materials
2. Twitter account using a copyright protected logo or image

If your report does not involve a copyright protected image that is being used as a Twitter account background or profile image, or Tweets containing links to unauthorized publication of copyright protected materials, most likely, it is not a Twitter copyright issue.

Many people confuse copyright with trademark. For information on reporting other possible Terms of Service violations, including possible trademark issues, please see this page: <https://help.twitter.com/rules-and-policies/twitter-report-violation>.

If you have concerns regarding an urgent issue relating to abuse or safety on Twitter please refer to the Twitter rules here: <https://help.twitter.com/rules-and-policies/twitter-rules>.

Thanks,

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permthid=thread-f%3A1741348877504785578&simpl=msg-f%3A1741348877...> 1/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283596995 [ref:00DA000000K0A8.5004w00002Tmxhfr.ref]

Twitter

Please note, we cannot accept email attachments at this time; please include all information in the body of your request.

Your ticket number: #0283596995

Copyright owner:

> StatMuse, Inc.

Name:

> Daniel Marcus

Company:

> Daniel Marcus, Esq.

Job title:

> Attorney of Record

Email:

> dan@hustlelawgroup.com

Address:

> PO Box 1432

City:

> New York

State/Province:

> New York

Postal code:

> 10009

Phone (optional):

> 551-427-5069

Fax (optional):

> [Empty]

Where is this infringement happening?

> Twitter

Description of original request:

> The image is a photograph of StatMuse's CEO, Eli Dawson that was taken and is owned by StatMuse, Inc.

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permthid=thread-f%3A1741348877504785578&simpl=msg-f%3A1741348877...> 2/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283596995 [ref:00DA000000KQA8.5004w00002Tmxhfrer]

Links to original work:

> <https://web.archive.org/web/20160823054456/https://fortune.com/2016/06/15/startup-sports-stats/>

Please provide URL(s) to the infringing material (e.g., Tweet URL, Periscope broadcast URL, Fleet ID, etc.):

> <https://twitter.com/mnmikee/status/1502047030067269633>
 > <https://twitter.com/nbatrend/status/1501796960050765826>
 > <https://twitter.com/kilslot/status/1491823609442091013>
 > <https://twitter.com/kilslot/status/1491120235344441344>
 > <https://twitter.com/kilslot/status/1488218276027056131>
 > <https://twitter.com/kilslot/status/1487970759595204612>
 > <https://twitter.com/kilslot/status/1485032715774840832>
 > <https://twitter.com/jvandoburner/status/1507548432604577797>
 > <https://twitter.com/jvandoburner/status/1507179185458106370>
 > <https://twitter.com/jvandoburner/status/1507084695435104261>
 > <https://twitter.com/jvandoburner/status/1507057598595485697>
 > <https://twitter.com/TrolledByIvey/status/1546903301601591297>
 > <https://twitter.com/TrolledByIvey/status/1545900146680020992>
 > <https://twitter.com/TrolledByIvey/status/1546901641626017792>
 > <https://twitter.com/arctweaky/status/1488342991332728834>
 > <https://twitter.com/arctweaky/status/1486163108053856256>
 > <https://twitter.com/sanityycuhh/status/1492728906650382338>
 > <https://twitter.com/sanityycuhh/status/1490707845440221184>
 > <https://twitter.com/reseSZN/status/1502490593448050688>
 > <https://twitter.com/reseSZN/status/1502380093498400774>
 > <https://twitter.com/exShai/status/1491871806390738950>
 > <https://twitter.com/exShai/status/1491871338641899524>
 > <https://twitter.com/JHenryTHEGOAT/status/1502127872751939585>
 > <https://twitter.com/JHenryTHEGOAT/status/1502127140715778048>
 > <https://twitter.com/JHenryTHEGOAT/status/1502126938764328963>
 > <https://twitter.com/JHenryTHEGOAT/status/1502126877351325699>
 > <https://twitter.com/RussXAntGOAT/status/1492729453147004929>
 > <https://twitter.com/RussXAntGOAT/status/1485440527948554241>
 > https://twitter.com/mvp_tobias/status/1498049454393466884
 > https://twitter.com/mvp_tobias/status/1498049359996465155
 > https://twitter.com/gai_zzz/status/1491867635889307648

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view-pt&search=all&permthid=thread-f%3A1741348877504785578&simpli-msg-f%3A1741348877...> 3/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283596995 [ref:00DAD000000K0A8.5004w00002Tmxhfr:ref]

- > https://twitter.com/gai_zzzz/status/1491864956278489088
- > https://twitter.com/gai_zzzz/status/1491525375523844097
- > <https://twitter.com/FieldsEnjoyer/status/1497725130608414728>
- > <https://twitter.com/FieldsEnjoyer/status/1491518834276192257>
- > <https://twitter.com/FieldsEnjoyer/status/1487056952932843527>

Reported content:

- > Image/Photograph

Description of infringement:

- > The anonymous users who used the copyrighted image of StatMuse's CEO, Eli Dawson, which as was noted before was taken and is owned by StatMuse, Inc, did so without obtaining a license or permission from StatMuse. Moreover, these users have used the image to harass and threaten my conduct, as the image has been used in connection with posts that range from accusing my client of bias to outright labeling him as a racist and a pedophile. Additionally, these same users have also used the image in connection with doxing my client's home address where he resides with his wife and newborn child. The courts have not recognized harassment, doxing, and online hate speech as fair uses with respect to copyright. In our view, there is no good faith argument that would render this kind of conduct as anything but per se infringement.

512(f) Acknowledgement:

- > I understand that under 17 U.S.C. § 512(f), I may be liable for any damages, including costs and attorneys' fees, if I knowingly materially misrepresent that reported material or activity is infringing.

Good Faith Belief:

- > I have good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

Authority to Act:

- > The information in this notification is accurate, and I state under penalty of perjury that I am authorized to act on behalf of the copyright owner.

Signature:

- > Daniel Marcus
- Country
- > US

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permthid=thread-f%3A1741348877504785578&simpl=msg-f%3A1741348877...> 4/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283592132 [ref:00DA0000000K0A8.5004w00002TtTW6:ref]



Daniel Marcus <dan@hustlelawgroup.com>

We got your report 0283592132 [ref:00DA0000000K0A8.5004w00002TtTW6:ref]

Twitter Support <support@twitter.com>
To: "dan@hustlelawgroup.com" <dan@hustlelawgroup.com>

Tue, Aug 16, 2022 at 3:05 PM



Hello,

This is an auto-confirmation that we have received your copyright report. Twitter will reply as soon as possible.

Copyright complaints concern the unauthorized distribution or republishing of material protected by copyright law. Here are some examples of possible copyright issues on Twitter:

1. Twitter account publishing links to free downloads of copyright protected materials
2. Twitter account using a copyright protected logo or image

If your report does not involve a copyright protected image that is being used as a Twitter account background or profile image, or Tweets containing links to unauthorized publication of copyright protected materials, most likely, it is not a Twitter copyright issue.

Many people confuse copyright with trademark. For information on reporting other possible Terms of Service violations, including possible trademark issues, please see this page: <https://help.twitter.com/rules-and-policies/twitter-report-violation>.

If you have concerns regarding an urgent issue relating to abuse or safety on Twitter please refer to the Twitter rules here: <https://help.twitter.com/rules-and-policies/twitter-rules>.

Thanks,

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permmsgid=msg-f%3A1741345733805077241&simpl=msg-f%3A1741345733...> 1/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283592132 [ref:00DA000000K0A8.5004w00002T1TW6:ref]

Twitter

Please note, we cannot accept email attachments at this time; please include all information in the body of your request.

Your ticket number: #0283592132

Copyright owner:

> StatMuse, Inc.

Name:

> Daniel Marcus

Company:

> Daniel Marcus, Esq.

Job title:

> Attorney of Recor

Email:

> dan@hustlelawgroup.com

Address:

> PO Box 1432

City:

> New York

State/Province:

> New York

Postal code:

> 10009

Phone (optional):

> 5514275069

Fax (optional):

> [Empty]

Where is this infringement happening?

> Twitter

Description of original request:

> The image is a photograph of StatMuse's CEO, Eli Dawson that was taken and is owned by StatMuse, Inc.

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permmsgid=msg-f%3A1741345733805077241&simpl=msg-f%3A1741345733...> 2/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283592132 [ref:00DA000000K0A8.5004w00002T1TW6.ref]

Links to original work:

> <https://web.archive.org/web/20160823054456/https://fortune.com/2016/06/15/startup-sports-stats/>

Please provide URL(s) to the infringing material (e.g., Tweet URL, Periscope broadcast URL, Fleet ID, etc.):

> https://twitter.com/Marvel_Harry/status/1502209235093889024
 > https://twitter.com/Marvel_Harry/status/1502492514275581952
 > https://twitter.com/Marvel_Harry/status/1502862652179066881
 > <https://twitter.com/reportsondanba/status/1485027866660065281>
 > <https://twitter.com/Cantguardbeard/status/1508251350613868546>
 > <https://twitter.com/Cantguardbeard/status/1508250800098795527>
 > <https://twitter.com/sportsucklolz/status/1489721362939789317>
 > <https://twitter.com/mahveeci/status/1491790026845278208>
 > <https://twitter.com/mahveeci/status/1486536149527142402>
 > <https://twitter.com/JackVV03/status/1502862440924594177>
 > <https://twitter.com/JackVV03/status/1502507639665795073>
 > <https://twitter.com/JackVV03/status/1502385648711385089>
 > <https://twitter.com/mnmikee/status/1502121267205316619>
 > <https://twitter.com/SixersTre/status/1491847115760230415>
 > <https://twitter.com/SixersTre/status/1486395355134840832>
 > <https://twitter.com/cantguarddurant/status/1488724765280030722>
 > <https://twitter.com/cantguarddurant/status/1495161350934380548>
 > <https://twitter.com/cantguarddurant/status/1485040889957433347>
 > <https://twitter.com/RichardHardd/status/1498136751159877640>
 > <https://twitter.com/RichardHardd/status/1498136719312539654>
 > <https://twitter.com/RichardHardd/status/1498136687842582528>
 > <https://twitter.com/JojosProcess/status/1497432883539054592>
 > <https://twitter.com/JojosProcess/status/1494523380560584704>
 > <https://twitter.com/JojosProcess/status/1488275325016424449>
 > <https://twitter.com/JojosProcess/status/1485370761934032897>
 > <https://twitter.com/1olod/status/1492939210478739457>
 > <https://twitter.com/1olod/status/1491923821309444096>

Reported content:

> Image/Photograph

Description of infringement:

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permmsgid=msg-f%3A1741345733805077241&simpli-msg-f%3A1741345733...> 3/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283592132 [ref:00DA0000000K0A8.5004w00002T1TW6:ref]

Links to original work:

> <https://web.archive.org/web/20160823054456/https://fortune.com/2016/06/15/startup-sports-stats/>

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> https://twitter.com/Marvel_Harry/status/1502209235093889024
 > https://twitter.com/Marvel_Harry/status/1502492514275581952
 > https://twitter.com/Marvel_Harry/status/1502862652179066881
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 > <https://twitter.com/Cantguardbeard/status/1508251350613868546>
 > <https://twitter.com/Cantguardbeard/status/1508250800098795527>
 > <https://twitter.com/sportsucklolz/status/1489721362939789317>
 > <https://twitter.com/mahveeci/status/1491790026845278208>
 > <https://twitter.com/mahveeci/status/1486536149527142402>
 > <https://twitter.com/JackVV03/status/1502862440924594177>
 > <https://twitter.com/JackVV03/status/1502507639665795073>
 > <https://twitter.com/JackVV03/status/1502385648711385089>
 > <https://twitter.com/mnmikee/status/1502121267205316619>
 > <https://twitter.com/SixersTre/status/1491847115760230415>
 > <https://twitter.com/SixersTre/status/1486395355134840832>
 > <https://twitter.com/cantguardddurant/status/1488724765280030722>
 > <https://twitter.com/cantguardddurant/status/1495161350934380548>
 > <https://twitter.com/cantguardddurant/status/1485040889957433347>
 > <https://twitter.com/RichardHardd/status/1498136751159877640>
 > <https://twitter.com/RichardHardd/status/1498136719312539654>
 > <https://twitter.com/RichardHardd/status/1498136687842582528>
 > <https://twitter.com/JojosProcess/status/1497432883539054592>
 > <https://twitter.com/JojosProcess/status/1494523380560584704>
 > <https://twitter.com/JojosProcess/status/1488275325016424449>
 > <https://twitter.com/JojosProcess/status/1485370761934032897>
 > <https://twitter.com/1olod/status/1492939210478739457>
 > <https://twitter.com/1olod/status/1491923821309444096>

Reported content:

> Image/Photograph

Description of infringement:

<https://mail.google.com/mail/u/2/?ik=d4b5eab440&view=pt&search=all&permmsgid=msg-f%3A1741345733805077241&simpl=msg-f%3A1741345733...> 3/5

10/27/22, 11:47 AM

Hustle Law Mail - We got your report 0283592132 [ref:00DA0000000K0A8.5004w00002TtTW6:ref]

> The anonymous users who used the copyrighted image of StatMuse's CEO, Eli Dawson, which as was noted before was taken and is owned by StatMuse, Inc, did so without obtaining a license or permission from StatMuse. Moreover, these users have used the image to harass and threaten my conduct, as the image has been used in connection with posts that range from accusing my client of bias to outright labeling him as a racist and a pedophile. Additionally, these same users have also used the image in connection with doxing my client's home address where he resides with his wife and newborn child. The courts have not recognized harassment, doxing, and online hate speech as fair uses with respect to copyright. In our view, there is no good faith argument that would render this kind of conduct as anything but per se infringement.

512(f) Acknowledgement:

> I understand that under 17 U.S.C. § 512(f), I may be liable for any damages, including costs and attorneys' fees, if I knowingly materially misrepresent that reported material or activity is infringing.

Good Faith Belief:

> I have good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

Authority to Act:

> The information in this notification is accurate, and I state under penalty of perjury that I am authorized to act on behalf of the copyright owner.

Signature:

> Daniel Marcus

Country

> US

ref:00DA0000000K0A8.5004w00002TtTW6:ref

[Help](#) | [Privacy](#)

Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103

EXHIBIT B

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant)
)
)
)
)
)
)

Civil Action No. _____

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

(Name of person to whom this subpoena is directed)

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*_____
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.